

05-07-01

PATENT APPLICATION

Docket: 10265.96.1

PATENTS  
 TRADEMARKS  
 COPYRIGHTS  
 TRADE SECRETS  
 UNFAIR COMPETITION  
 LICENSING  
 COMPLEX LITIGATION

05/04/01

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box: PATENT APPLICATION  
 Assistant Commissioner for Patents  
 Washington, DC 20231

TRANSMITTAL FOR PATENT APPLICATION

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a United States patent application entitled SUSTAINED RELEASE COMPOSITIONS FOR ORALLY ADMINISTERED SUBSTANCES AND METHODS in the name of the following inventors:

Inventor: Andy Swenson  
 Citizenship: United States  
 Address: 18 South 100 East  
 Payson, Utah 84651

Inventor: James Wagstaff  
 Citizenship: United States  
 Address: 1025 North 300 West, #10  
 Spanish Fork, Utah 84663

Enclosed are the following:

X A specification, claims, abstract, and cover page in total comprising thirty-seven (37) pages.

X Three (3) sheets of drawings.

A Certificate of Express Mailing by "Express Mail" certifying a filing date by use of Express Mail Label No. EL 727 459 205 US.

Enclosed is a non-publication request requesting that the present application not be published.

No fees are enclosed.

No Declaration, Power of Attorney, and Petition is enclosed.

Priority to Provisional Application Serial No. 60/201,815 filed on May 4, 2000 is claimed under 35 U.S.C. § 119.

Request and Certification under 35 USC § 122(b)(2)(B)(i) is enclosed.

A certified copy of foreign priority Application Serial No. \_\_\_\_\_.

An Associate Power of Attorney.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 4<sup>th</sup> day of May 2001.

Respectfully submitted,



ROBYN L. PHILLIPS  
Attorney for Applicant  
Registration No. 39,330



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PATENT TRADEMARK OFFICE

PATENT APPLICATION  
Docket No. 10265.96.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

"Express Mail" Mailing Label No.: EL 727 459 205 US

Date of Deposit: May 4, 2001

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to Box: PATENT APPLICATION, Assistant Commissioner for Patents, Washington, DC 20231:

- Patent Application in the names of Andy Swenson and James Wagstaff for SUSTAINED RELEASE COMPOSITIONS FOR ORALLY ADMINISTERED SUBSTANCES AND METHODS (37 pages)
- Drawings (3 sheets)
- Transmittal Letter (2 pages)
- Request and Certification under 35 USC § 122(b)(2)(B)(i)
- Postcard

Dated this 4<sup>th</sup> day of May 2001.

Respectfully submitted,



ROBYN L. PHILLIPS  
Attorney for Applicant  
Registration No. 39,330

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RLP:dfw

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**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Andy Swenson
Title	Sustained Release Compositions for Orally Administered Substances and Methods
Atty Docket Number	10256.96.1

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 4, 2001

Date



Signature

Robyn L. Phillips, Reg. No. 39,330

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**